

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

LEE H. PLACCHI

(b) County of Residence of First Listed Plaintiff _____

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
(215) 540-8888

DEFENDANTS

NCO FINANCIAL SYSTEMS, INC

County of Residence of First Listed Defendant _____

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known) _____

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395it) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) _____ ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. SECTION 1692

Brief description of cause:
Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

Explanation:

4/8/11

DATE

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 702 Turner Ave., Las Cruces, New Mexico, 88005

Address of Defendant: 567 Ponderfield Rd., Horsham, PA 19044

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 15 U.S.C. 1692
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

Craig Thor Kimmel, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 4/8/11

Craig Thor Kimmel
Attorney-at-Law

57160
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/8/11

Craig Thor Kimmel
Attorney-at-Law

57160
Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Lee H. Placchi : CIVIL ACTION
v. :
NCO Financial Systems, Inc. : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ☒

<u>4/8/11</u>	<u>Craig Thor Kimmel</u>	<u>Lee H. Placchi</u>
Date	Attorney-at-law	Attorney for
<u>215-540-8888</u>	<u>877-788-2864</u>	<u>Kimmel@creditlaw.com</u>
Telephone	FAX Number	E-Mail Address

PLAINTIFF'S COMPLAINT

PARTIES

6. Plaintiff is a natural person residing in Las Cruces, New Mexico, 88005.

7. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

8. Defendant is a national debt collection company with corporate headquarters located at 507 Prudential Road in Horsham, Pennsylvania, 19044.

9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

PRELIMINARY STATEMENT

11. The Fair Debt Collection Practices Act (“FDCPA”) is a comprehensive statute, which prohibits a catalog of activities in connection with the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that violates its provisions, and establishes general standards of debt collector conduct, defines abuse, and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the FDCPA declare certain rights to be provided to or claimed by debtors, forbid deceitful and misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or unconscionable conduct, both generally and in a specific list of disapproved practices.

12. In particular, the FDCPA broadly enumerates several practices considered contrary to its stated purpose, and forbids debt collectors from taking such action. The substantive heart of the FDCPA lies in three broad prohibitions. First, a “debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.” 15 U.S.C. § 1692d. Second, a “debt

1 collector may not use any false, deceptive, or misleading representation or means in connection
2 with the collection of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use
3 unfair or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. § 1692f.
4 The FDCPA is designed to protect consumers from unscrupulous collectors, whether or not there
5 exists a valid debt, broadly prohibits unfair or unconscionable collection methods, conduct which
6 harasses, oppresses or abuses any debtor, and any false, deceptive or misleading statements in
7 connection with the collection of a debt.

8
9 13. In enacting the FDCPA, the United States Congress found that “[t]here is
10 abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many
11 debt collectors,” which “contribute to the number of personal bankruptcies, to marital instability,
12 to the loss of jobs, and to invasions of individual privacy.” 15 U.S.C. § 1692a. Congress
13 additionally found existing laws and procedures for redressing debt collection injuries to be
14 inadequate to protect consumers. 15 U.S.C. § 1692b.

15 14. Congress enacted the FDCPA to regulate the collection of consumer debts by debt
16 collectors. The express purposes of the FDCPA are to “eliminate abusive debt collection
17 practices by debt collectors, to insure that debt collectors who refrain from using abusive debt
18 collection practices are not competitively disadvantaged, and to promote consistent State action
19 to protect consumers against debt collection abuses.” 15 U.S.C. § 1692e.

20 **FACTUAL ALLEGATIONS**

21
22 15. At all relevant times, Defendant was attempting to collect an alleged consumer
23 debt from Plaintiff.

24 16. The alleged debt at issue arose out of transactions, which were primarily for
25 personal, family, or household purposes.

1 17. Beginning in May of 2010, Defendant and its employees engaged in debt
2 collection activities seeking payment from Plaintiff.

3 18. Defendant called Plaintiff's mother in search of Plaintiff on multiple occasions
4 including but not limited to, May 15, 2010; May 18, 2010; May 19, 2010 at 8:47a.m.; 7:30p.m.
5 and 8:00p.m.; May 20, 2010 at 10:59a.m.; 7:30p.m. and 8:00p.m.; and May 21, 2010 at 5:27p.m.
6 from the following phone numbers (215) 441-3000, (800) 260-5570. The undersigned has
7 confirmed that the number belongs to Defendant.
8

9 19. Defendant was pushy with Plaintiff's mother, demanding to know: "is Lee
10 there?" and "how can I reach him?"

11 20. At least once On May 20, 2010 when Plaintiff's mother answered the Defendant's
12 call she heard: "all our associates are currently unavailable", indicating that a robo-dialer was
13 making the calls.

14 21. Defendant's constant calls to Plaintiff's mother caused her unnecessary stress and
15 concern.

16 22. On May 21, 2010, Plaintiff received six (6) collection calls from Defendant.

17 23. Defendant contacted Plaintiff on May 22, 2010 before 8:00 o'clock in the
18 morning and continued to call every couple hours thereafter.

19 24. Defendant and its employees harassed Plaintiff by making continuous calls to his
20 home telephone number/work telephone number.
21

22 25. Defendant placed repeated calls to Plaintiff's telephone almost every day, causing
23 Plaintiff to receive, at times, more than two (2) collection calls a day and at times, more than
24 four (4) collection calls a day.

25 26. Defendant contacted Plaintiff on May 23, 2010 after 9:00 o'clock at night.

1 27. On May 23, 2010 Defendant called Plaintiff, but refused to tell Plaintiff the
2 reason for the call until Plaintiff provided the last four digits of his social security number.

3 28. At no time did Defendant discuss with Plaintiff the amount of money that was
4 allegedly owed.

5 29. Defendant went on to tell Plaintiff that this unpaid debt would affect his credit
6 rating.

7 30. Plaintiff received twenty (20) collection calls within the month of May 2010.

8 31. On or around May 25, 2010, Plaintiff received a letter from Defendant dated May
9 19, 2010. A true and correct copy of the May 19, 2010 letter is attached hereto as Exhibit "A".
10

11 32. Defendant's letter informed Plaintiff that his "Capital One Bank (USA), N.A."
12 account had been turned over to Defendant for collection.

13 33. Defendant's actions in attempting to collect the alleged debt were harassing,
14 abusive and highly deceptive.

15 **CONSTRUCTION OF APPLICABLE LAW**

16 34. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry, deLaunay &
17 Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes strict liability, a consumer
18 need not show intentional conduct by the debt collector to be entitled to damages." Russell v.
19 Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996); see also Gearing v. Check Brokerage Corp., 233
20 F.3d 469 (7th Cir. 2000) (holding unintentional misrepresentation of debt collector's legal status
21 violated FDCPA); Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).
22

23 35. The FDCPA is a remedial statute, and therefore must be construed liberally in
24 favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235 (W.D. Wash. 2006). The
25 remedial nature of the FDCPA requires that courts interpret it liberally. Clark v. Capital Credit

1 & Collection Services, Inc., 460 F. 3d 1162 (9th Cir. 2006). "Because the FDCPA, like the
 2 Truth in Lending Act (TILA) 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be
 3 construed liberally in favor of the consumer." Johnson v. Riddle, 305 F. 3d 1107 (10th Cir.
 4 2002).

5 36. The FDCPA is to be interpreted in accordance with the "least sophisticated"
 6 consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168 (11th Cir. 1985); Graziano
 7 v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v. Southern Oregon Credit Service, Inc.,
 8 869 F.2d 1222 (9th Cir. 1988). The FDCPA was not "made for the protection of experts, but for
 9 the public - that vast multitude which includes the ignorant, the unthinking, and the credulous,
 10 and the fact that a false statement may be obviously false to those who are trained and
 11 experienced does not change its character, nor take away its power to deceive others less
 12 experienced." Id. The least sophisticated consumer standard serves a dual purpose in that it
 13 ensures protection of all consumers, even naive and trusting, against deceptive collection
 14 practices, and protects collectors against liability for bizarre or idiosyncratic interpretations of
 15 collection notices. Clomon, 988 F. 2d at 1318.

17 **COUNT I**
 18 **DEFENDANT VIOLATED THE**
 19 **FAIR DEBT COLLECTION PRACTICES ACT**

20 37. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or
 21 more of the following ways:

- 22 a. Defendant violated of the FDCPA generally;
- 23 b. Defendant violated § 1692b(2) of the FDCPA by stating the Plaintiff owed a
 24 debt to another person, specifically Plaintiff's mother;
- 25 c. Defendant violated § 1692b(3) of the FDCPA by communicating with
 Plaintiff's mother more than once about a debt alleged to be owed by

1 Plaintiff;

- 2 d. Defendant violated § 1692c(a)(1) of the FDCPA when it contacted the
3 Plaintiff at an unusual time or place or a time and place known or should be
4 known to be inconvenient to the Plaintiff in connection with the collection of
5 a debt; specifically in the absence of knowledge of circumstances to the
6 contrary, a debt collector shall assume that the convenient time for
7 communicating with a consumer is after 8 o'clock antemeridian and before 9
8 o'clock postmeridian, local time at the consumer's location;
- 9 e. Defendant violated § 1692c(b) of the FDCPA by communicating with
10 Plaintiff's mother about a debt alleged to be owed by Plaintiff without
11 Plaintiff's prior consent;
- 12 f. Defendant violated § 1692d of the FDCPA by harassing Plaintiff in
13 connection with the collection of an alleged debt;
- 14 g. Defendant violated § 1692d(5) of the FDCPA, when it caused the Plaintiff's
15 telephone to ring repeatedly or continuously with the intent to harass, annoy
16 or abuse Plaintiff;
- 17 h. Defendant violated § 1692f of the FDCPA by using unfair and
18 unconscionable means with Plaintiff to collect or attempt to collect a debt;
- 19 i. Defendant acted in an otherwise deceptive, unfair and unconscionable manner
20 and failed to comply with the FDCPA.

21
22 WHEREFORE, Plaintiff, LEE H. PLACCHI, respectfully pray for a judgment as follows:

- 23 a. All actual compensatory damages suffered pursuant to 15 U.S.C. §
24 1692k(a)(1);
25

- 1 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to
2 15 U.S.C. § 1692k(a)(2)(A);
3 c. All reasonable attorneys' fees, witness fees, court costs and other litigation
4 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
5 d. Any other relief deemed appropriate by this Honorable Court.
6


7 **DEMAND FOR JURY TRIAL**

8 PLEASE TAKE NOTICE that Plaintiff, LEE H. PLACCHI, demands a jury trial in this
9 case.

10 RESPECTFULLY SUBMITTED,

11
12 DATED: 4/8/11

13 KIMMEL & SILVERMAN, P.C..

14 By: 
15 _____

16 Craig Thor Kimmel
17 Attorney ID # 57100
18 Kimmel & Silverman, P.C.
19 30 E. Butler Pike
20 Ambler, PA 19002
21 Phone: (215) 540-8888
22 Fax: (877) 788-2864
23 Email: kimmel@creditlaw.com
24
25

NCO FINANCIAL SYSTEMS INC

1-800-260-5570
OFFICE HOURS (ALL TIMES EASTERN)
8AM-11PM MON THRU THURSDAY
8AM-9PM FRIDAY
8AM-5PM SATURDAY
9AM-8PM SUNDAY
May 19, 2010

Creditor: CAPITAL ONE BANK (USA), N.A.
Account # 6495
Total Balance: \$3152.70

~~The above named creditor has placed this account with our office for collection. It is important that you forward payment in full.~~

Send payment in full to your creditor at the address listed below. If you need to speak to a representative, contact us at 1-800-260-5570.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office, in writing, within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Calls to or from this company may be monitored or recorded for quality assurance.

**IF THE STATUTE OF LIMITATIONS HAS EXPIRED YOU
CANNOT BE SUED ON THIS DEBT.**

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

0000000 0

6495 00 000000000000000000000000

Total Balance: \$ 3152.70

Please print address changes below using blue or black ink

Total enclosed

Street

APL #

City

Slab:

212

Home Phone

Alternate Phone _____

CAPITAL ONE BANK (USA), N.A.
PO Box 71083
Charlotte NC 28272-1083

2001XJ
LEE H PLACCHI



NCOP F9
793